

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE STATIC RANDOM ACCESS
 MEMORY (SRAM) ANTITRUST
 LITIGATION

Case No. M:07-CV-01819-CW

MDL No. 1819

**REQUEST FOR INTERNATIONAL
 JUDICIAL ASSISTANCE**

This Document Relates to:
 ALL INDIRECT PURCHASER ACTIONS

(LETTER ROGATORY)

The United States District Court Northern District of California, Oakland Division, presents its compliments to the Appropriate Judicial Authority of Taiwan, and requests international assistance to effect service of process to be used in a civil proceeding before this Court in the above-captioned matter.

I. REQUEST

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Appropriate Judicial Authority of Taiwan effect Service of Process of: (1) Amended Summons in a Civil Case; (2) Indirect-Purchaser Plaintiffs' Placeholder Complaint; (3) Civil Cover Sheet; (4) First Pretrial Order; (5) Amended Minute Order and Case Management Order; (6) Supplemental Case Management Order No. 1; (7) Dispute Resolution Procedures in the Northern District of California; (8)

1 United States District Court Northern District of California ECF Registration Information
 2 Handout; and (9) Certified Translations on the below-named corporation:

3 Winbond Electronics Corporation
 4 4, Creaton Road,
 5 111, Science-Based Industrial Park
 Hsinchu, Taiwan

6 The Appropriate Judicial Authority of Taiwan is requested to serve the above-
 7 mentioned documents, and the Chinese translations thereof, by personal service into the hands
 8 of a director, managing agent or other person authorized to accept service at the above-listed
 9 address or in any manner prescribed for the service of such documents consistent with the law
 10 of Taiwan.

11 **II. FACTS OF THE CASE**

12 The Complaint in this action was been filed under Section 16 of the Clayton Act, (15
 13 U.S.C. § 26), to obtain injunctive relief for violations of Section 1 of the Sherman Act, (15
 14 U.S.C. § 1), and to recover damages and/or restitution under various state antitrust and
 15 consumer protection laws, including to recover the costs of suit, and reasonable attorneys'
 16 fees. This Court has jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1337.
 17 The Court has jurisdiction over the state law claims under 28 U.S.C. § 1367.

18 There are two general categories of cases in these related actions: (1) those brought
 19 under federal law on behalf of direct purchasers; and (2) those brought generally under state
 20 law on behalf of indirect purchasers, for which there are over seventy complaints covering
 21 twenty-three different states. All plaintiffs allege that they purchased Static Random Access
 22 Memory ("SRAM") computer chips either directly or indirectly from defendants or from their
 23 alleged co-conspirators. Plaintiffs claim damages caused by the defendants' conspiracy to fix
 24 prices on SRAM chips sold in the United States and elsewhere. The plaintiffs allege the
 25 conspiracy began in November 1, 1996 and continued through at least December 31, 2006
 26 (the "Class Period").

27 In or about October of 2006, the Antitrust Division of the United States Department of
 28 Justice ("DOJ") sent out subpoenas to various companies in connection with an investigation
 of cartel activity in the SRAM industry. Several of these companies being investigated have

1 already pled guilty to price-fixing in the DRAM industry and have paid substantial fines to the
2 DOJ for those unlawful activities.

3 **III. RECIPROCITY**

4 The United States District Court for the Northern District of California, Oakland
5 Division, represents that, in the event, a citizen of Taiwan required assistance serving process
6 on a citizen of California, this Court would be willing to provide similar assistance to the
7 Appropriate Judicial Authority of Taiwan in effectuating service on the California resident as
8 is being requested through this Letter Rogatory.

9 **IV. REIMBURSEMENT FOR COSTS**

10 The United States District Court for the Northern District of California, Oakland
11 Division, will not reimburse the Appropriate Judicial Authority of Taiwan for costs incurred
12 in executing this Letter Rogatory. Interim Lead and Liaison Counsel for the Indirect-
13 Purchaser Plaintiffs are willing to, and will be responsible for, reimbursing the Appropriate
14 Judicial Authority of Taiwan for costs incurred in executing this Letter Rogatory in an amount
15 not to exceed Fifteen Hundred (\$1,500.00) United States Dollars (USD). If the costs for
16 executing this Letter Rogatory will exceed \$1,500 USD, please contact Interim Lead and
17 Liaison Counsel for the Indirect-Purchaser Plaintiffs: Francis O. Scarpulla, Zelle Hofmann
18 Voebel Mason & Gette, LLP, 44 Montgomery Street, Suite 3400, San Francisco, CA 94104.

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1 In acknowledgment of the additional time which is needed to prepare and file an
2 Answer to the attached documents, the time period for answering is extended to 45 days after
3 service.

4 The Court extends to the judicial authorities of Taiwan assurances of its highest
5 consideration.

6 9/26/07



7 DATED: _____ By: _____

The Hon. Claudia Wilken
United States District Judge
United States District Court
Northern District of California
Oakland Division
1301 Clay Street, Suite 400S
Oakland, CA 94612

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